



**4310-MN-P**

**DEPARTMENT OF THE INTERIOR**

Bureau of Reclamation

Agency Information Collection; Proposed Revisions to a Currently Approved  
Information Collection

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of revisions.

**SUMMARY:** The Bureau of Reclamation intends to submit a request for renewal (with revisions) of an existing approved information collection to the Office of Management and Budget (OMB): Forms to Determine Compliance by Certain Landholders, 43 CFR part 426, OMB Control Number: 1006-0023.

**DATES:** Submit written comments on the revised information collection on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** Send written comments to or requests for copies of the proposed revised forms to the Bureau of Reclamation, Attention: 84-53000, P.O. Box 25007, Denver, CO 80225-0007.

**FOR FURTHER INFORMATION CONTACT:** Stephanie McPhee at (303) 445-2897.

**SUPPLEMENTARY INFORMATION:**

**I. Abstract.**

Identification of limited recipients - Some entities that receive Reclamation irrigation water may believe that they are under the Reclamation Reform Act of 1982

(RRA) forms submittal threshold and, consequently, may not submit the appropriate RRA form(s). However, some of these entities may in fact have a different RRA forms submittal threshold than what they believe it to be due to the number of natural persons benefiting from each entity and the location of the land held by each entity. In addition, some entities that are exempt from the requirement to submit RRA forms due to the size of their landholdings (directly and indirectly owned and leased land) may in fact be receiving Reclamation irrigation water for which the full-cost rate must be paid because the start of Reclamation irrigation water deliveries occurred after October 1, 1981 [43 CFR 426.6(b)(2)]. The information obtained through completion of the Limited Recipient Identification Sheet (Form 7-2536) allows us to establish entities' compliance with Federal reclamation law. The Limited Recipient Identification Sheet is disbursed at our discretion.

Trust review – In order to administer section 214 of the RRA and 43 CFR 426.7, we are required to review and approve all trusts. Land held in trust generally will be attributed to the beneficiaries of the trust rather than the trustee if the criteria specified in the RRA and 43 CFR 426.7 are met. We may extend the option to complete and submit for our review the Trust Information Sheet (Form 7-2537) instead of actual trust documents when we become aware of trusts with a relatively small landholding (40 acres or less in districts subject to the prior law provisions of Federal reclamation law, 240 acres or less in districts subject to the discretionary provisions of Federal reclamation law). If we find nothing on the completed Trust Information Sheet that would warrant the further investigation of a particular trust, that trustee will not be burdened with submitting trust documents to us for in-depth review. The Trust Information Sheet is

disbursed at our discretion.

Acreage limitation provisions applicable to public entities – Land farmed by a public entity can be considered exempt from the application of the acreage limitation provisions provided the public entity meets certain criteria pertaining to the revenue generated through the entity's farming activities (43 CFR 426.10 and the Act of July 7, 1970, Public Law 91-310). We are required to ascertain whether or not public entities that receive Reclamation irrigation water meet such revenue criteria regardless of how much land the public entities hold (directly or indirectly own or lease) [43 CFR 426.10(a)]. In order to minimize the burden on public entities, standard RRA forms are submitted by a public entity only when the public entity holds more than 40 acres subject to the acreage limitation provisions westwide, which makes it difficult to apply the revenue criteria as required to those public entities that hold less than 40 acres. When we become aware of such public entities, we request those public entities complete and submit for our review the Public Entity Information Sheet (Form 7-2565), which allows us to establish compliance with Federal reclamation law for those public entities that hold 40 acres or less and, thus, do not submit a standard RRA form because they are below the RRA forms submittal threshold. In addition, for those public entities that do not meet the exemption criteria, we must determine the proper rate to charge for Reclamation irrigation water deliveries. The Public Entity Information Sheet is disbursed at our discretion.

Acreage limitation provisions applicable to religious or charitable organizations – Some religious or charitable organizations that receive Reclamation irrigation water may believe that they are under the RRA forms submittal threshold and, consequently, may

not submit the appropriate RRA form(s). However, some of these organizations may in fact have a different RRA forms submittal threshold than what they believe it to be depending on whether these organizations meet all of the required criteria for full special application of the acreage limitations provisions to religious or charitable organizations [43 CFR 426.9(b)]. In addition, some organizations that (1) do not meet the criteria to be treated as a religious or charitable organization under the acreage limitation provisions, and (2) are exempt from the requirement to submit RRA forms due to the size of their landholdings (directly and indirectly owned and leased land), may in fact be receiving Reclamation irrigation water for which the full-cost rate must be paid because the start of Reclamation irrigation water deliveries occurred after October 1, 1981 [43 CFR 426.6(b)(2)]. The Religious or Charitable Organization Identification Sheet (Form 7-2578) allows us to establish certain religious or charitable organizations' compliance with Federal reclamation law. The Religious or Charitable Organization Identification Sheet is disbursed at our discretion.

## **II. Changes to the RRA forms and their instructions.**

The changes made to the currently approved RRA forms and the corresponding instructions are of an editorial nature, and are designed to assist the respondents by increasing their understanding of the forms, clarifying the instructions for completing the forms, and clarifying the information that is required to be on the forms. The proposed revisions to the Trust Information Sheet also include clarification of the 40-acre and 240-acre thresholds applicable to prior law districts and discretionary provisions districts, respectively. The proposed revisions to the RRA forms will be effective in the 2014 water year.

### III. Data.

OMB Control Number: 1006-0023.

Title: Forms to Determine Compliance by Certain Landholders, 43 CFR part 426.

Form Number: Form 7-2536, Form 7-2537, Form 7-2565, and Form 7-2578.

Frequency: Generally, these forms will be submitted only once per identified entity, trust, public entity, or religious or charitable organization. Each year, we expect new responses in accordance with the following numbers.

Respondents: Entity landholders, trusts, public entities, and religious or charitable organizations identified by Reclamation that are subject to the acreage limitation provisions of Federal reclamation law.

Estimated Annual Total Number of Respondents: 500

Estimated Number of Responses per Respondent: 1.0

Estimated Total Number of Annual Responses: 500

Estimated Total Annual Burden on Respondents: 72 hours

Estimated Completion Time Per Respondent: See table below

<b>Form no.</b>	<b>Burden estimate per form (in minutes)</b>	<b>Number of respondents</b>	<b>Annual number of responses</b>	<b>Annual burden on respondents (in hours)</b>
Limited Recipient Identification Sheet	5	175	175	15
Trust Information Sheet	5	150	150	13
Public Entity Information Sheet	15	100	100	25
Religious or Charitable Identification Sheet	15	75	75	19
Totals		500	500	72

#### **IV. Request for Comments.**

We invite your comments on:

- (a) whether the proposed collection of information is necessary for the proper performance of our functions, including whether the information will have practical use;
- (b) the accuracy of our burden estimate for the proposed collection of information;
- (c) ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology.

We will summarize all comments received regarding this notice. We will publish that summary in the Federal Register when the information collection request is submitted to OMB for review and approval.

#### **V. Public Disclosure.**

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment – including your personal identifying information – may be made publicly available at

any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

September 7, 2012

Dated: \_\_\_\_\_

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Roseann Gonzales  
Director, Policy and Administration  
Denver Office

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